

Notice of Allowability

Application No.

10/086,992

Examiner

Charles A. Marmor, II

Applicant(s)

REYNOLDS ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the RCE filed 25 August 2005 and the Claim Amendments filed 01 August 2005.
2. ☒ The allowed claim(s) is/are 1-19, 21-34, 38 and 54-58.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

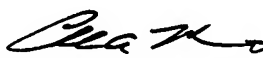
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material.
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


Charles A. Marmor, II
Primary Examiner
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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 1, 2005 has been entered.

The Examiner acknowledges the amendments to claims 1, 5, 13, 17, 19, 21, 22, 28, 30 and 38, as well as the cancellation of claims 20, 35-37 and 39-53. Claims 1-19, 21-34, 38 and 54-58 are pending.

Allowable Subject Matter

2. Claims 1-19, 21-34, 38 and 54-58 are allowed over the prior art of record.

3. The following is an examiner's statement of reasons for allowance:

Regarding claims 1-12, 16, 23 and 24, no prior art of record teach or fairly suggest a guidewire including a proximal section; a distal section including a linear elastic nickel-titanium alloy; and a connector formed of a N006625 metal alloy for permanently joining the distal end of the proximal section and the proximal end of the distal section.

Regarding claims 13-15, no prior art of record teach or fairly suggest a guidewire including a proximal section; a distal section including a linear elastic nickel-titanium alloy; and

a connector formed of a nickel-chromium alloy, a nickel-molybdenum alloy, or a cobalt alloy for permanently joining the distal end of the proximal section and the proximal end of the distal section, where a polymer sleeve is disposed about the distal section.

Regarding claims 17-19, no prior art of record teach of fairly suggest a guidewire including a proximal section; a distal section including a linear elastic nickel-titanium alloy; and connector formed of a nickel-chromium alloy, a nickel-molybdenum alloy, or a cobalt alloy for permanently joining the distal end of the proximal section and the proximal end of the distal section, where an inner coil is disposed about the distal section and at least partially within a first coil such that the distal portion of the inner coil extends distally of the distal section.

Regarding claims 21 and 22, no prior art of record teach of fairly suggest a guidewire including a proximal section; a distal section including a linear elastic nickel-titanium alloy; and a connector formed of a N10276 metal alloy or a B-2 nickel-molybdenum alloy for permanently joining the distal end of the proximal section and the proximal end of the distal section.

Regarding claims 25-27, 33 and 34, no prior art of record teach of fairly suggest a guidewire including a proximal section; a distal section including a linear elastic nickel-titanium alloy; and a connector formed of a N006625 metal alloy, a N10276 metal alloy, or a B-2 nickel-molybdenum alloy for permanently joining the distal end of the proximal section and the proximal end of the distal section.

Regarding claims 28-32, no prior art of record teach of fairly suggest a guidewire including a proximal section; a distal section including a linear elastic nickel-titanium alloy; and a connector formed of a N006625 metal alloy, a N10276 metal alloy, or a B-2 nickel-molybdenum alloy for permanently joining the distal end of the proximal section and the

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proximal end of the distal section, where at least one of a polymer sleeve or a coil is disposed about the distal section.

Regarding claims 38, no prior art of record teach or fairly suggest a method for making a guidewire, where a distal end of a proximal section and a proximal end of a distal section that includes a linear elastic nickel-titanium alloy are formed to include flexibility transition regions, and where the distal end of the proximal section and the proximal end of the distal section are overlapped and connected using a connector formed of a nickel-chromium alloy, a nickel-molybdenum alloy, or a cobalt alloy that is welded to the distal section to permanently join the distal end of the proximal section and the proximal end of the distal section.

Regarding claims 54-58, no prior art of record teach or fairly suggest a guidewire including a proximal section; a distal section including a linear elastic nickel-titanium alloy; and a connector formed of a nickel-chromium alloy, a nickel-molybdenum alloy, or a cobalt alloy for joining the distal end of the proximal section and the proximal end of the distal section that is welded to at least the distal section, where an inner coil is disposed about the distal section such that the proximal portion of the inner coil is connected to the distal end of the distal section and the distal portion of the inner coil extends distally of the distal section, and where an outer structure is disposed the distal section and the inner coil.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles A. Marmor, II whose telephone number is (571) 272-4730. The examiner can normally be reached on M-TH (7:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on (571) 272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Charles A. Marmor, II
Primary Examiner
Art Unit 3736

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September 1, 2005